

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

X

IRA BROWN,

Index No.: 508220/2017

Plaintiff,

NOTICE OF MOTION

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER,

Defendants.

X

PLEASE TAKE NOTICE that upon the annexed affirmation of Farimah S. Ghaffari, Esq., dated August 29, 2017, the exhibits annexed hereto and upon all other proceedings heretofore had in this action, the undersigned attorney for the plaintiff, IRA BROWN (hereinafter referred to as the "Plaintiff"), will move this Court in the Default Judgement Motion Part in Room 296, at the Courthouse located at 360 Adams Street, Brooklyn, New York, on September 26, 2017 at 09:45 A.M., or as soon thereafter as counsel may be heard for an order (i) pursuant to CPLR §3215, entering judgment by default against defendants XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER. and scheduling an inquest on the issue of damages; and (ii) for such other and further relief as to the Court deems just and proper.

Dated: New York, New York
August 29, 2017

Yours, etc.

GOIDEL & SIEGEL, LLP

By:

Farimah S. Ghaffari, Esq.

Attorneys for Plaintiff

56 West 45th Street, Third Floor

New York, New York 10036

(212) 840-3737

To:

XYZ Corp. d/b/a Midnight Fleet
2600 Emmons Avenue
Brooklyn, New York 11235

Jeffrey Nagler
2840 Ocean Parkway, Apt. 1F
Brooklyn, NY 11224

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

X

IRA BROWN,

Index No.: 508220/2017

Plaintiff,

AFFIRMATION

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER.,

Defendants.

X

FARIMAH S. GHAFFARI, an attorney duly admitted to practice law in the courts of the State of New York, affirms the following facts under penalty of perjury:

1. I am an associate of Goidel & Siegel, LLP, attorneys for the plaintiff, IRA BROWN (hereinafter referred to as "Plaintiff").
2. I respectfully submit this affirmation in support of Plaintiff's motion for an order, pursuant to CPLR §3215, granting judgment by default against defendants XYZ CORP. d/b/a MIDNIGHT FLEET ("MIDNIGHT") and JEFFREY NAGLER ("NAGLER") (hereinafter collectively referred to as the "Defendants"), and scheduling an inquest on the issue of damages.
3. On August 24, 2016, while lawfully inside a boat known as Captain Midnight (the "Location"), owned by the Defendants and located at 2600 Emmons Avenue, Brooklyn, New York, Plaintiff was caused to fall as a result of a dangerous condition which was created, maintained, inspected and repaired by Defendants.
4. Due to Defendants' negligence in the maintenance, inspection, and repair of the Location, Plaintiff sustained severe, permanent, and long lasting injuries, including but not limited to displaced bimalleolar fracture of lower leg requiring surgery.

5. On April 27, 2017, this action was commenced by the filing of a summons and complaint with the court. A copy of the same is annexed hereto as **Exhibit A**.

6. Defendant MIDNIGHT was served with the Summons and Complaint on May 22, 2017. Defendant NAGLER was served with the Summons and Complaint on May 26, 2017. A copy of the affidavits of service are collectively annexed hereto as **Exhibit B**.

7. More than thirty days have elapsed since Defendants were served with the summons and complaint in this action, and no answer from them has been received.

8. On July 7, 2017 and August 7, 2017, Plaintiff mailed additional copies of the summons and complaint to the Defendants, accompanied by the appropriate notice of the earlier service. A copy of the additional mailing of Summons and Complaint is annexed hereto as **Exhibit C**.

9. To date, Defendants have failed and refused to interpose an answer to Plaintiff's complaint. Likewise, they have not contacted Plaintiff or his counsel to request an extension of time to answer, nor has any such extension been granted.

10. Accordingly, Defendants have defaulted in this action and, for the foregoing reasons, it is respectfully requested that the Court enter a judgment by default and schedule an inquest on the issue of damages.

WHEREFORE, it is respectfully requested that the foregoing motion be granted in its entirety and for such other and further relief as to the Court deems just and proper.

Dated: New York, New York
August 29, 2017



Farimah S. Ghaffari, Esq.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

X

IRA BROWN,

Index No.: 508220/2017

Plaintiff,

CERTIFICATION

-against-

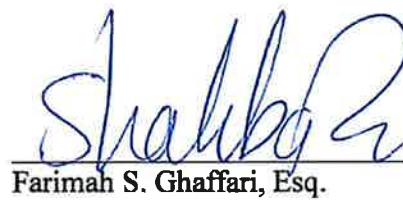
XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER,

Defendants.

X

I hereby certify that all of the papers that I have served, filed or submitted to the court in this action are not frivolous as defined in subsection (c) of Section 130-1.1 of the Rules of the Chief Administrator of the Courts.

Dated: New York, New York
August 29, 2017



Farimah S. Ghaffari, Esq.

STATE OF NEW YORK)
)
) ss.:
COUNTY OF NEW YORK)

FARIMAH S. GHAFFARI, an attorney duly admitted to practice in the courts of the State of New York, affirms under penalties of perjury that:

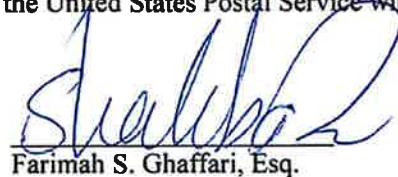
Deponent is not a party to the action, is over 18 years of age, and resides in Nassau County, New York.

On August 29, 2017, deponent served the within MOTION FOR DEFAULT JUDGMENT upon:

XYZ Corp. d/b/a Midnight Fleet
2600 Emmons Avenue
Brooklyn, New York 11235

Jeffrey Nagler
2840 Ocean Parkway, Apt. 1F
Brooklyn, NY 11224

by depositing true copies of the same enclosed in properly addressed, post-paid wrappers, by regular mail in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.



Farimah S. Ghaffari, Esq.

FILED: KINGS COUNTY CLERK 08/29/2017 12:15 PM

INDEX NO. 508220/2017

NYSCEF DOC. NO. 7

RECEIVED NYSCEF: 08/29/2017

EXHIBIT A

FILED: KINGS COUNTY CLERK 08/29/2017 12:15 PM

NY FILED: KINGS COUNTY CLERK 04/27/2017 11:28 AM

NYSCEF DOC. NO. 1

INDEX NO. 508220/2017

INDEX NO. 508220/2017

RECEIVED NYSCEF: 08/29/2017

RECEIVED NYSCEF: 04/27/2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

IRA BROWN,

Plaintiff,

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER,

Defendants.

Index No.:

Date purchased:

SUMMONS

Plaintiff designates
Kings
County as the place of trial

The basis of venue is
Plaintiff's residence

Plaintiff resides at
4373 Bedford Avenue
Brooklyn, New York

To the above-named Defendants:

YOU ARE HEREBY SUMMONED to answer, or, if the complaint is not served with this summons, to serve notice of appearance, on the Plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: April 27, 2017

Defendants' address:

XYZ Corp. d/b/a Midnight Fleet
2600 Emmons Avenue
Brooklyn, NY 11235

Jeffrey Nagler
2600 Emmons Avenue
Brooklyn, NY 11235



Farimah S. Ghaffari, Esq.

GOIDEL & SIEGEL, LLP

Attorneys for Plaintiff

56 West 45th Street, Third Floor
New York, New York 10036
Tel No.: (212) 840-3737

FILED: KINGS COUNTY CLERK 08/29/2017 12:15 PM
INDEX NO. 508220/2017
NY FILED: KINGS COUNTY CLERK 04/27/2017 11:28 AM
INDEX NO. 508220/2017
NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 08/29/2017
RECEIVED NYSCEF: 04/27/2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
IRA BROWN,

Index No.:

Plaintiff,

COMPLAINT

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER,

Defendants.

-----X

Plaintiff, IRA BROWN ("Plaintiff"), by his attorneys, Goidel & Siegel, LLP, for his complaint against Defendants, XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER (hereinafter collectively referred to as the "Defendants"), respectfully alleges as follows:

1. On August 24, 2016, Plaintiff was a resident of the State of New York, residing at 4373 Bedford Avenue, Brooklyn, New York.
2. On August 24, 2016, upon information and belief, XYZ CORP. d/b/a MIDNIGHT FLEET was the owner of Captain Midnight, (the "Location") located at 2600 Emmons Avenue, Brooklyn, New York.
3. On August 24, 2016, upon information and belief, JEFFREY NAGLER was the owner of Location.
4. On August 24, 2016, Plaintiff was lawfully inside the Location.

FIRST CAUSE OF ACTION AGAINST DEFENDANTS

5. Plaintiff repeats and reiterates the allegations set forth in paragraphs "1" through "4" with the same force and effect as if each was fully set forth herein.
6. On August 24, 2016, while lawfully inside the Location, Plaintiff was caused to fall ("the Incident") as a result of a dangerous condition ("the Defect") existing on a

FILED: KINGS COUNTY CLERK 08/29/2017 12:15 PM INDEX NO. 508220/2017
NY FILED: KINGS COUNTY CLERK 04/27/2017 11:28 AM INDEX NO. 508220/2017

NYSCEF DOC. NO. 1 RECEIVED NYSCEF: 04/27/2017

staircase ("the Staircase") of the Location.

7. The incident occurred solely as a result of the Defect.
8. Defendants were responsible for the care, maintenance, repair, and control of the Location, inclusive of the Staircase.
9. Defendants failed to properly care for, maintain, repair, and control the Location, inclusive of the Staircase.
10. On August 24, 2016, Defendants had prior notice of the Defect.
11. On August 24, 2016, Defendants failed to remedy and/or repair the Defect of which they had prior notice.
12. Defendants' failure to properly and adequately remedy and/or repair the Defect, of which they had prior notice, was negligent.
13. On or before August 24, 2016, Defendants caused and/or created the Defect.
14. On August 24, 2016, Defendants failed to remedy and/or repair the Defect that they caused and/or created.
15. Defendants' failure to properly and adequately remedy and/or repair the Defect they caused and/or created was negligent.
16. As a result of Defendants' negligence, Plaintiff sustained severe, serious and permanent injuries.
17. As a result of the incident caused by Defendants' negligence, without any contributory negligence on the part of Plaintiff, Defendants are liable to Plaintiff in an amount in excess of the jurisdictional limits of all inferior courts plus interest, costs, and disbursements.

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FILED: KINGS COUNTY CLERK 04/27/2017 11:28 AM

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RECEIVED NYSCEF: 08/29/2017

RECEIVED NYSCEF: 04/27/2017

WHEREFORE, Plaintiff demands judgment against Defendants on first cause of action for an amount of damages in excess of the jurisdictional limit of all inferior trial courts of this State, plus interest, costs and disbursements, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
April 27, 2017

Yours, etc.,

GOIDEL & SIEGEL, LLP



By: Farimah S. Ghaffari, Esq.
GOIDEL & SIEGEL, LLP
Attorneys for Plaintiff
Office and Post Office Address
56 West 45th Street, 3rd Floor
New York, New York 10036
(212) 840-3737

FILED: KINGS COUNTY CLERK 08/29/2017 12:15 PM
NY FILED: KINGS COUNTY CLERK 04/27/2017 11:28 AM
NYSCEF DOC. NO. 1

e 12 of 32 PageID #: 104
INDEX NO. 508220/2017
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RECEIVED NYSCEF: 08/29/2017
RECEIVED NYSCEF: 04/27/2017

Index No. Year
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

IRA BROWN, Plaintiff,
-against-
XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER, Defendants.

SUMMONS & COMPLAINT

GODEL & SIEGEL, LLP
Attorney(s) for **PLAINTIFF**
Office and post Office Address, Telephone
56 WEST 45TH STREET
NEW YORK, NEW YORK 10036
(212) 840-3737
FAX: (212) 840-3793

To
Attorney(s) for

Service of copy of the within is hereby admitted.
Dated, _____

Attorney(s) for _____

Sir: Please take notice
 NOTICE OF ENTRY
that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on 19
 NOTICE OF SETTLEMENT
that all order of which the within is a true copy will be presented for
settlement to the HON. one of the judges

Dated,

Yours, etc.
GOIDEL & SIEGEL, LLP

FILED: KINGS COUNTY CLERK 08/29/2017 12:15 PM

INDEX NO. 508220/2017

NYSCEF DOC. NO. 8

RECEIVED NYSCEF: 08/29/2017

EXHIBIT B

FILED: KINGS COUNTY CLERK 08/29/2017 12:15 PM**NY FILED C. KINGS COUNTY CLERK 05/26/2017 03:09 PM**

NYSCEF DOC. NO. 2

INDEX NO. 508220/2017

INDEX NO. 508220/2017

RECEIVED NYSCEF: 08/29/2017

RECEIVED NYSCEF: 05/26/2017

Form 27 - AFFIDAVIT OF SERVICE

Valerie



P726040

GOIDEL & SIEGEL LLP Farimah Ghaffari
SUPREME COURT KINGS COUNTY STATE OF NEW YORK

IRA BROWN

index No. 508220/2017

Date Filed

Office No. NY

Court Date.

- vs -

XYZ CORP. D/B/A MIDNIGHT FLEET, ETANO

DEFENDANT

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

JACQUELINE WOS being duly sworn, deposes and says; I am over 18 years of age, not a party to this action, and reside in the State of New York. That on the 22ND day of MAY, 2017 4:57PM at

2600 EMMONS AVENUE
BROOKLYN NY 11235

I served a true copy of the NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING SUPREME COURT CASES, SUMMONS AND COMPLAINT upon XYZ CORP. D/B/A MIDNIGHT FLEET the DEFENDANT therein named by delivering to, and leaving personally with CHRIS JERRY , AUTHORIZED TO ACCEPT a true copy of each thereof.

Deponent describes the person served as aforesaid to the best of deponent's ability at the time and circumstances of the service as follows:

SEX: MALE COLOR: BLACK HAIR: BLACK

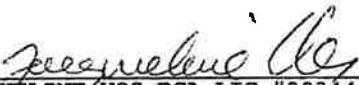
APP. AGE: 40 APP. HT: 6'1 APP. WT: 200

OTHER IDENTIFYING FEATURES

COMMENTS:

Sworn to before me this
24TH day of MAY, 2017


ADAM J. CALEB
Notary Public, State of New York
No. 01CA6334048
Qualified in ORANGE COUNTY
Commission Expires 12/07/2019


JACQUELINE WOS DCA LIC #2034482
PM Legal, LLC
75 MAIDEN LANE 11TH FLOOR
NEW YORK, NY 10038
Reference No: 3-GS-726040

①

FILED: KINGS COUNTY CLERK 08/29/2017 12:15 PM

INDEX NO. 508220/2017

NY FILED: KINGS COUNTY CLERK 06/02/2017 11:45 AMRECEIVED INDEX NO. 508220/2017
NYSCEF: 06/02/2017

NYSCEF DOC. NO. 4

RECEIVED NYSCEF: 06/02/2017

Form 2 - AFFIDAVIT OF SERVICE

Valerie

P726039



GOIDEL & SIEGEL LLP Farimah Ghaffari
SUPREME COURT KINGS COUNTY STATE OF NEW YORK

IRA BROWN

PLAINTIFF

- vs -

XYZ CORP. D/B/A MIDNIGHT FLEET, ETANO

DEFENDANT

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

JACQUELINE WOS being duly sworn, deposes and says; I am over 18 years of age, not a party to this action, and reside in the State of New York. That on the 26TH day of MAY 2017, 11:57AM at

2600 EMMONS AVENUE

BROOKLYN NY 11235

I served the NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING SUPREME COURT CASES, SUMMONS AND COMPLAINT

upon JEFFREY NAGLER

the DEFENDANT therein named by delivering and leaving a true copy or copies of the aforementioned documents with "JOHN SMITH" (REFUSE FULL NAME), CO-WORKER, a person of suitable age and discretion.

Deponent describes the person served as aforesaid to the best of deponent's ability at the time and circumstances of the service as follows:

SEX: MALE COLOR: WHITE HAIR: BROWN/GREY

APP.AGE: 60 APP. HT: 6' APP. WT: 210

OTHER IDENTIFYING FEATURES

On 05/30/2017 I deposited in the United States mail another true copy of the aforementioned documents properly enclosed and sealed in a post-paid wrapper addressed to the said DEFENDANT at the above address. That being
 the place of business of the DEFENDANT.

Copy mailed 1st class mail marked personal and confidential not indicating on the outside thereof by return address or otherwise that said notice is from an attorney or concerns an action against the person to be served.

COMMENTS:

That at the time of service, as aforesaid, I asked the person spoken to whether the DEFENDANT was in the military service of the United States Government, or of the State of New York, and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid I aver that the DEFENDANT is not in the military service, and is not dependent on anyone in the military service of the United States Government or the State of New York, as that term is defined in statutes of the State of New York, or of the Federal Soldiers and Sailors Civilian Relief Act.

Sworn to before me this
 30TH day of MAY, 2017

[Signature]
 ADAM J. CALEB
 Notary Public, State of New York
 No. 01CA6334048
 Qualified in ORANGE COUNTY
 Commission Expires 12/07/2019

[Signature]
 JACQUELINE WOS DCA LIC #2034482
 PM Legal, LLC
 75 MAIDEN LANE 11TH FLOOR
 NEW YORK, NY 10038
 Reference No: 3-GS-726039

①

FILED: KINGS COUNTY CLERK 08/29/2017 12:15 PM

INDEX NO. 508220/2017

NYSCEF DOC. NO. 9

RECEIVED NYSCEF: 08/29/2017

EXHIBIT C

GOIDEL & SIEGEL, LLP

ATTORNEYS AT LAW

**56 WEST 45TH STREET, 3RD FLOOR
NEW YORK, NY 10036**

**TELEPHONE (212) 840-3737
FACSIMILE (212) 840-3793**

JONATHAN M. GOIDEL
ANDREW B. SIEGEL*

Stacy Klozow
Stephen Nappi
Farimah Ghaffari

*also admitted in CT

July 7, 2017

VIA FIRST-CLASS MAIL
XYZ Corp. d/b/a Midnight Fleet
2600 Emmons Avenue
Brooklyn, New York 11235

Jeffrey Nagler
2600 Emmons Avenue
Brooklyn, New York 11235

Re: Ira Brown v. XYZ Corp. d/b/a Midnnight Fleet, et al
Index No.: 508220/2017

Dear Sir/Madam:

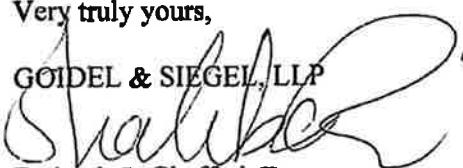
Please be advised that more than thirty days have elapsed since you were served with a Summons and Complaint in the above-referenced action. Despite the foregoing, you have failed and refused to interpose an answer, thus rendering you in default of your obligations.

Please be further advised that a motion to obtain a default judgement against you, pursuant to CPLR 3215, will be filed with the Supreme Court, Kings County if we do not receive an answer on your behalf within twenty (20) days of the date of this letter.

A copy of the Summons and Complaint is enclosed herewith. If you have any questions, please contact the undersigned.

Very truly yours,

GOIDEL & SIEGEL, LLP


Farimah S. Ghaffari, Esq.

FILED: KINGS COUNTY CLERK 08/29/2017 12:15 PM INDEX NO. 508220/2017

NYSCEF DOC. NO. 9

RECEIVED NYSCEF: 08/29/2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

IRA BROWN,

Plaintiff,

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER,

Defendants.

Index No.: 508220/2017

Date purchased: 4/27/2017

SUMMONS

Plaintiff designates
Kings
County as the place of trial

The basis of venue is
Plaintiff's residence

Plaintiff resides at
4373 Bedford Avenue
Brooklyn, New York

To the above-named Defendants:

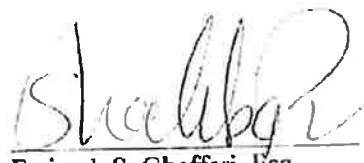
YOU ARE HEREBY SUMMONED to answer, or, if the complaint is not served with this summons, to serve notice of appearance, on the Plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: April 27, 2017

Defendants' address:

XYZ Corp. d/b/a Midnight Fleet
2600 Emmons Avenue
Brooklyn, NY 11235

Jeffrey Nagler
2600 Emmons Avenue
Brooklyn, NY 11235



Farimah S. Ghaffari, Esq.
GOIDEL & SIEGEL, LLP
Attorneys for Plaintiff
56 West 45th Street, Third Floor
New York, New York 10036
Tel No.: (212) 840-3737

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

X

IRA BROWN,

Index No.: 508220/2017

Plaintiff,

COMPLAINT

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER,

Defendants.

X

Plaintiff, IRA BROWN ("Plaintiff"), by his attorneys, Goidel & Siegel, LLP, for his complaint against Defendants, XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER (hereinafter collectively referred to as the "Defendants"), respectfully alleges as follows:

1. On August 24, 2016, Plaintiff was a resident of the State of New York, residing at 4373 Bedford Avenue, Brooklyn, New York.
2. On August 24, 2016, upon information and belief, XYZ CORP. d/b/a MIDNIGHT FLEET was the owner of Captain Midnight, (the "Location") located at 2600 Emmons Avenue, Brooklyn, New York.
3. On August 24, 2016, upon information and belief, JEFFREY NAGLER was the owner of Location.
4. On August 24, 2016, Plaintiff was lawfully inside the Location.

FIRST CAUSE OF ACTION AGAINST DEFENDANTS

5. Plaintiff repeats and reiterates the allegations set forth in paragraphs "1" through "4" with the same force and effect as if each was fully set forth herein.
6. On August 24, 2016, while lawfully inside the Location, Plaintiff was caused to fall ("the Incident") as a result of a dangerous condition ("the Defect") existing on a

staircase ("the Staircase") of the Location.

7. The incident occurred solely as a result of the Defect.
8. Defendants were responsible for the care, maintenance, repair, and control of the Location, inclusive of the Staircase.
9. Defendants failed to properly care for, maintain, repair, and control the Location, inclusive of the Staircase.
10. On August 24, 2016, Defendants had prior notice of the Defect.
11. On August 24, 2016, Defendants failed to remedy and/or repair the Defect of which they had prior notice.
12. Defendants' failure to properly and adequately remedy and/or repair the Defect, of which they had prior notice, was negligent.
13. On or before August 24, 2016, Defendants caused and/or created the Defect.
14. On August 24, 2016, Defendants failed to remedy and/or repair the Defect that they caused and/or created.
15. Defendants' failure to properly and adequately remedy and/or repair the Defect they caused and/or created was negligent.
16. As a result of Defendants' negligence, Plaintiff sustained severe, serious and permanent injuries.
17. As a result of the incident caused by Defendants' negligence, without any contributory negligence on the part of Plaintiff, Defendants are liable to Plaintiff in an amount in excess of the jurisdictional limits of all inferior courts plus interest, costs, and disbursements.

WHEREFORE, Plaintiff demands judgment against Defendants on first cause of action for an amount of damages in excess of the jurisdictional limit of all inferior trial courts of this State, plus interest, costs and disbursements, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
April 27, 2017

Yours, etc.,

GOIDEL & SIEGEL, LLP



By: Farimah S. Ghaffari, Esq.
GOIDEL & SIEGEL, LLP
Attorneys for Plaintiff
Office and Post Office Address
56 West 45th Street, 3rd Floor
New York, New York 10036
(212) 840-3737

Index No.	Year
SUPREME COURT OF THE STATE OF NEW YORK	
COUNTY OF KINGS	

IRA BROWN,

Plaintiff,

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER,

Defendants.

SUMMONS & COMPLAINT

GOIDEL & SIEGEL, LLP

Attorney(s) for PLAINTIFF

Office and post Office Address, Telephone

56 WEST 45th STREET

NEW YORK, NEW YORK 10036

(212) 840-3737

FAX: (212) 840-3793

To
Attorney(s) forService of copy of the within
Dated,

is hereby admitted.

.....

Sir: Please take notice NOTICE OF ENTRYthat the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

19

 NOTICE OF SETTLEMENTthat an order
settlement to the HON. of which the within is a true copy will be presented for
one of the judgesof the within named Court, at
on the day of

at

M.

Dated,

Yours, etc.

GOIDEL & SIEGEL, LLP

Attorney(s) for

Office and post Office Address, Telephone

56 WEST 45th STREET

NEW YORK, NEW YORK 10036

(212) 840-3737

FAX: (212) 840-3793

To

Attorney(s) for

SUPREME COURT OF THE STATE OF NEW YORK**COUNTY OF KINGS**-----x
IRA BROWN

Plaintiff/Petitioner,

-against-

XYZ CORP d/b/a MIDNIGHT FLEET, JEFFREY
NAGLERDefendant/Respondent.
-----xIndex No. 508220/2017**NOTICE OF COMMENCEMENT OF ACTION SUBJECT
TO MANDATORY ELECTRONIC FILING**

PLEASE TAKE NOTICE that the matter captioned above has been commenced as an electronically filed case in the New York State Courts Electronic Filing System ("NYSCEF") as required by CPLR § 2111 and Uniform Rule § 202.5-bb (mandatory electronic filing). This notice is being served as required by that rule.

NYSCEF is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and unrepresented litigants who have consented to electronic filing.

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the County Clerk and the court and served on other parties simply, conveniently, and quickly. NYSCEF case documents are filed with the County Clerk and the court by filing on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. The documents are served automatically on all consenting e-filers as soon as the document is uploaded to the website, which sends out an immediate email notification of the filing.

The NYSCEF System charges no fees for filing, serving, or viewing the electronic case record, nor does it charge any fees to print any filed documents. Normal filing fees must be paid, but this can be done on-line.

Parties represented by an attorney: An attorney representing a party who is served with this notice must either: 1) immediately record his or her representation within the e-filed matter on the NYSCEF site; or 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements. [Section 202.5-bb(e)]

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For information on how to participate in e-filing, unrepresented litigants should contact the appropriate clerk in the court where the action was filed or visit www.nycourts.gov/efileunrepresented. Unrepresented litigants also are encouraged to visit www.nycourthelp.gov or contact the Help Center in the court where the action was filed. An unrepresented litigant who consents to e-filing may cease participation at any time. However, the other parties may continue to e-file their court documents in the case.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646- 386-3033; e-mail: efile@nycourts.gov).

Dated: 04/27/2017

Shahbazi
Signature

FARIMAH SHAHBAZI GHAFFARI

Name

Goidel & Siegel, LLP
Firm Name

56 W 45th Street

Address

New York, NY 10036

City, State, and Zip

212-840-3737

Phone

fghaffari@gidelandsiegel.com

E-Mail

To: _____

9/3/15

GOIDEL & SIEGEL, LLP

ATTORNEYS AT LAW
56 WEST 45TH STREET, 3RD FLOOR
NEW YORK, NY 10036

•
TELEPHONE (212) 840-3737
FACSIMILE (212) 840-3793

JONATHAN M. GOIDEL
ANDREW B. SIEGEL*

*
Stacy Klozow
Stephen Nappi
Farimah Ghaffari

*
+also admitted in CT

August 7, 2017

VIA FIRST-CLASS MAIL
XYZ Corp. d/b/a Midnight Fleet
2600 Emmons Avenue
Brooklyn, New York 11235

Jeffrey Nagler
2840 Ocean Parkway, Apt. 1F
Brooklyn, NY 11224

Re: Ira Brown v. XYZ Corp. d/b/a Midnnight Fleet, et al
Index No.: 508220/2017

Dear Sir/Madam:

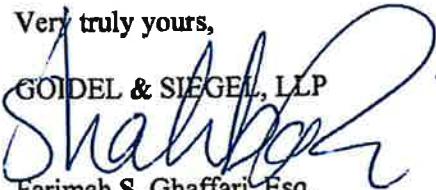
Please be advised that more than thirty days have elapsed since you were served with a Summons and Complaint in the above-referenced action. Despite the foregoing, you have failed and refused to interpose an answer, thus rendcring you in default of your obligations.

Please be further advised that a motion to obtain a default judgement against you, pursuant to CPLR 3215, will be filed with the Supreme Court, Kings County if we do not receive an answer on your behalf within twenty (20) days of the date of this letter.

A copy of the Summons and Complaint is enclosed herewith. If you have any questions, please contact the undersigned.

Very truly yours,

GOIDEL & SIEGEL, LLP


Farimah S. Ghaffari, Esq.

FILED: KINGS COUNTY CLERK 08/29/2017 12:15 PM

INDEX NO. 508220/2017

NYSCEF DOC. NO. 9

RECEIVED NYSCEF: 08/29/2017
INDEX NO. 508220/2017

FILED: KINGS COUNTY CLERK 04/27/2017 11:28 AM

RECEIVED NYSCEF: 04/27/2017

NYSCEF DOC. NO. 1

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

IRA BROWN,

Plaintiff,

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER,

Defendants.

Index No.:

Date purchased:

SUMMONS

Plaintiff designates
Kings
County as the place of trial

The basis of venue is
Plaintiff's residence

Plaintiff resides at
4373 Bedford Avenue
Brooklyn, New York

To the above-named Defendants:

YOU ARE HEREBY SUMMONED to answer, or, if the complaint is not served with this summons, to serve notice of appearance, on the Plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: April 27, 2017

Defendants' address:

XYZ Corp. d/b/a Midnight Fleet
2600 Emmons Avenue
Brooklyn, NY 11235

Jeffrey Nagler
2600 Emmons Avenue
Brooklyn, NY 11235



Farimah S. Ghaffari, Esq.
GOIDEL & SIEGEL, LLP
Attorneys for Plaintiff
56 West 45th Street, Third Floor
New York, New York 10036
Tel No.: (212) 840-3737

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NYSCEF DOC. NO. 1

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

X

IRA BROWN,

Index No.:

Plaintiff,

COMPLAINT

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER,

Defendants.

X

Plaintiff, IRA BROWN ("Plaintiff"), by his attorneys, Goidel & Siegel, LLP, for his complaint against Defendants, XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER (hereinafter collectively referred to as the "Defendants"), respectfully alleges as follows:

1. On August 24, 2016, Plaintiff was a resident of the State of New York, residing at 4373 Bedford Avenue, Brooklyn, New York.
2. On August 24, 2016, upon information and belief, XYZ CORP. d/b/a MIDNIGHT FLEET was the owner of Captain Midnight, (the "Location") located at 2600 Emmons Avenue, Brooklyn, New York.
3. On August 24, 2016, upon information and belief, JEFFREY NAGLER was the owner of Location.
4. On August 24, 2016, Plaintiff was lawfully inside the Location.

FIRST CAUSE OF ACTION AGAINST DEFENDANTS

5. Plaintiff repeats and reiterates the allegations set forth in paragraphs "1" through "4" with the same force and effect as if each was fully set forth herein.
6. On August 24, 2016, while lawfully inside the Location, Plaintiff was caused to fall ("the Incident") as a result of a dangerous condition ("the Defect") existing on a

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NYSCEF DOC. NO. 9

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NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 04/27/2017

staircase ("the Staircase") of the Location.

7. The incident occurred solely as a result of the Defect.
8. Defendants were responsible for the care, maintenance, repair, and control of the Location, inclusive of the Staircase.
9. Defendants failed to properly care for, maintain, repair, and control the Location, inclusive of the Staircase.
10. On August 24, 2016, Defendants had prior notice of the Defect.
11. On August 24, 2016, Defendants failed to remedy and/or repair the Defect of which they had prior notice.
12. Defendants' failure to properly and adequately remedy and/or repair the Defect, of which they had prior notice, was negligent.
13. On or before August 24, 2016, Defendants caused and/or created the Defect.
14. On August 24, 2016, Defendants failed to remedy and/or repair the Defect that they caused and/or created.
15. Defendants' failure to properly and adequately remedy and/or repair the Defect they caused and/or created was negligent.
16. As a result of Defendants' negligence, Plaintiff sustained severe, serious and permanent injuries.
17. As a result of the incident caused by Defendants' negligence, without any contributory negligence on the part of Plaintiff, Defendants are liable to Plaintiff in an amount in excess of the jurisdictional limits of all inferior courts plus interest, costs, and disbursements.

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WHEREFORE, Plaintiff demands judgment against Defendants on first cause of action for an amount of damages in excess of the jurisdictional limit of all inferior trial courts of this State, plus interest, costs and disbursements, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
April 27, 2017

Yours, etc.,

GOIDEL & SIEGEL, LLP



By: Farimah S. Ghaffari, Esq.
GOIDEL & SIEGEL, LLP
Attorneys for Plaintiff
Office and Post Office Address
56 West 45th Street, 3rd Floor
New York, New York 10036
(212) 840-3737

FILED: KINGS COUNTY CLERK 08/29/2017 12:15 PM

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NYSCEF DOC. NO. 1

Index No. Year
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

IRA BROWN,

Plaintiff.

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER,

Defendants.

SUMMONS & COMPLAINT

GOIDEL & SIEGEL, LLP
 Attorney(s) for **PLAINTIFF**
 Office and post Office Address, Telephone
56 WEST 45th STREET
NEW YORK, NEW YORK 10036
(212) 840-3737
FAX: (212) 840-3793

To
Attorney(s) for

Service of copy of the within
 Dated,

is hereby admitted.

.....

Sir: Please take notice
 NOTICE OF ENTRY
 that the within is a (certified) true copy of a
 duly entered in the office of the clerk of the within named court on 19
 NOTICE OF SETTLEMENT
 that an order of which the within is a true copy will be presented for
 settlement to the HON. one of the judges

of the within named Court, at
 on the day of

at

M.

Dated,

Yours, etc.

GOIDEL & SIEGEL, LLP

Attorney(s) for
 Office and post Office Address, Telephone
56 WEST 45th STREET
NEW YORK, NEW YORK 10036
(212) 840-3737
FAX: (212) 840-3793

To
Attorney(s) for

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

IRA BROWN

Plaintiff/Petitioner,
-against-

XYZ CORP d/b/a MIDNIGHT FLEET, JEFFREY
NAGLER

Defendant/Respondent.

Index No. 508220/2017

**NOTICE OF COMMENCEMENT OF ACTION SUBJECT
TO MANDATORY ELECTRONIC FILING**

PLEASE TAKE NOTICE that the matter captioned above has been commenced as an electronically filed case in the New York State Courts Electronic Filing System ("NYSCEF") as required by CPLR § 2111 and Uniform Rule § 202.5-bb (mandatory electronic filing). This notice is being served as required by that rule.

NYSCEF is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and unrepresented litigants who have consented to electronic filing.

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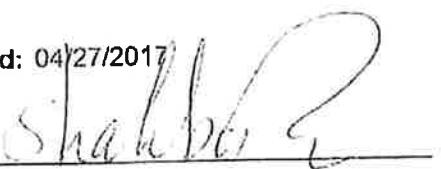
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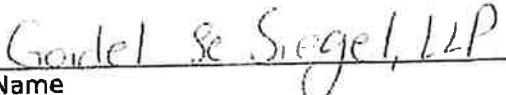
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Dated: 04/27/2017


Signature

FARIMAH SHAHBAZI GHAFFARI

Name


Firm Name

56 W 45th Street

Address

New York, NY 10036

City, State, and Zip

212-840-3737

Phone

fghaffari@goidelandsiegel.com

E-Mail

To: _____

9/3/15